

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 23-4537 PA (AFMx)	Date	July 17, 2023
Title	Juan Aguilar v. Roto-Rooter Services Company		

Present: The Honorable	PERCY ANDERSON, UNITED STATES DISTRICT JUDGE
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Kamilla Sali-Suleyman

Not Reported

N/A

Deputy Clerk

Court Reporter

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings: IN CHAMBERS - COURT ORDER

The Court has reviewed the declarations of counsel for plaintiff Juan Aguilar (“Aguilar” or “Plaintiff”) and defendant Roto-Rooter Services Company (“Roto-Rooter” or “Defendant”) filed in response to the Court’s June 30, 2023 Order to Show Cause. In that Order to Show Cause, the Court noted that neither party had filed a Notice of Related Cases as required by Local Rule 83-1.3 and that the Civil Cover Sheet filed by defendant Roto-Rooter when it filed the its second Notice of Removal in Case No. CV 23-4537 answered “No” to the questions asking if there is a related or identical case despite Defendant having previously filed a Notice of Removal of the same action in Case No. CV 23-1604 PA (SKx). The Court therefore ordered the parties and counsel why they should not be sanctioned up to \$2,000.00 for failing to file a Notice of Related Case as required by Local Rule 83-1.3. Defendant and its counsel were additionally ordered to show cause why they should not be sanctioned for failing to identify this action as identical or related to Case No. CV 23-1604 PA (SKx) on the Civil Cover Sheet filed in Case No. CV 23-4537.

Rather than respond to the Order to Show Cause issued by the Court, which directed the parties to explain why they had not identified this case, the second Notice of Removal filed by Roto-Rooter of the action filed by Aguilar, with the first case filed by Aguilar that was removed to this Court by Roto-Rooter and assigned Case No. CV 23-1604 PA (SKx), counsel for Roto-Rooter’s response to the Order to Show Cause instead attempts to explain why the action filed by Aguilar is not related to Gonzalez v. Roto-Rooter Services Co., Case No. CV 23-4486. This was not the question posed by the Court’s June 30, 2023 Order to Show Cause. Instead, the Court directed Roto-Rooter to explain why it did not identify the second removal of the action filed by Aguilar as related or identical to the first Notice of Removal Roto-Rooter filed of the action filed by Aguilar, Case No. CV 23-1604. To date, counsel for Roto-Rooter has not explained why Roto-Rooter answered “No” to the existence of an identical or related case when it filed the second Notice of Removal in Aguilar, Case No. CV 23-4537. That is, Case Nos. 23-4537 and 23-1604 appear to be identical, involving the same plaintiff, defendant, and state court case number. That fact should have been identified in the Civil Cover Sheet. Instead, counsel for

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Defendant incorrectly said that there was “No” related or identical case when it filed the second Notice of Removal.

For the second time, the Court orders Roto-Rooter and its counsel to show cause in writing why Defendant and its counsel failed to identify the first removal of Aguilar’s action, Case No. CV 23-1604, as related or identical when it removed for the second time Aguilar’s action that became Case No. CV 23-4537 and why Defendant and its counsel should not be sanctioned up to \$2,000.00 for failing to file a Notice of Related Case as required by Local Rule 83-1.3 and incorrectly stating that there was no related or identical case on the Civil Cover Sheet filed in Case No. CV 23-4537. Defendant and its counsel’s response to this Order to Show Cause shall be filed no later than July 24, 2023.

IT IS SO ORDERED.